

House Bill 1032

By: Representatives Oliver of the 83<sup>rd</sup>, Floyd of the 99<sup>th</sup>, Benfield of the 85<sup>th</sup>, and Gardner of the 57<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to  
2 primaries and elections generally, so as to provide for rotation of the names of candidates in  
3 primaries and elections; to provide for procedures; to provide for related matters; to provide  
4 an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and  
8 elections generally, is amended by adding a new Code section to read as follows:

9 "21-2-280.1.

10 (a) Except as otherwise provided in this chapter, the names of all candidates for an elective  
11 office shall be arranged in a group under the title of that office.

12 (b) For paper ballots, voting machine ballot labels, and optical scan ballots, prior to each  
13 primary or election, the order in which the names of the candidates for each office are listed  
14 shall be determined by lot. In the case of a state or federal office, the lot shall be drawn by  
15 the Secretary of State; in the case of a county office, the lot shall be drawn by the county  
16 election superintendent; and, in the case of a municipal office, the lot shall be drawn by the  
17 municipal election superintendent. Such drawing of lots shall be done as soon as is  
18 practicable after the close of qualifying for the primary or election.

19 (c) For direct recording electronic voting equipment, the candidates shall initially be listed  
20 in the same order as provided for paper ballots, voting machine ballot labels, and optical  
21 scan ballots as provided in subsection (b) of this Code section. The direct recording  
22 electronic voting equipment shall then rotate the order in which the names of the candidates  
23 are listed in the group of candidates for such office, such that, insofar as is feasible, each  
24 candidate appears in each position in the list a substantially equal number of times."

**SECTION 2.**

Said chapter is further amended by revising subsection (c) of Code Section 21-2-284, relating to form of official primary ballot, as follows:

"(c) Immediately under the directions, the names of all candidates who have qualified with the party in accordance with this chapter and party rules and who have been certified to the superintendent or Secretary of State as having so qualified shall be printed on the ballots, except unopposed candidates in municipal primaries where the municipal charter or ordinance does not prohibit the omission of such candidates' names from the ballot. The names of the candidates shall in all cases be arranged under the title of the office for which they are candidates and be printed thereunder in ~~alphabetical~~ the order specified in Code Section 21-2-280.1. The incumbency of a candidate seeking party nomination for the public office he or she then holds shall be indicated on the ballots. Under the title of each office shall be placed a direction as to the number of candidates to be voted for."

**SECTION 3.**

Said chapter is further amended by revising subsection (c) of Code Section 21-2-285, relating to form of official election ballot, as follows:

"(c) Immediately under the directions, the names of all candidates who have been nominated in accordance with the requirements of this chapter shall be printed on the ballot and the names of the candidates shall in all cases be arranged under the titles of the respective offices they are seeking. In a primary or special election, said names shall be arranged ~~alphabetically by last name~~ in the order specified in Code Section 21-2-280.1 under the title of the office. The incumbency of a candidate seeking election for the public office he or she then holds shall be indicated on the ballot. In a general election, the names of candidates who are nominees of a political party shall be placed under the name of their party. The columns of political parties shall be printed on the ballot, beginning on the left side thereof, and shall be arranged from left to right in the descending order of the totals of votes cast for candidates of the political parties for Governor at the last gubernatorial election. The columns of parties having no candidate for Governor on the ballot at the last gubernatorial election shall be arranged alphabetically according to the party name to the right of the columns of the parties so represented. The columns of political bodies shall be arranged alphabetically according to the body name to the right of the party columns. The names of all independent candidates shall be printed on the ballot in a column or columns under the heading 'Independent,' which shall be placed to the right of the political body columns. In the case of two or more independent candidates seeking the same office, their names shall be arranged under the title of the office in ~~alphabetical~~ the order specified in Code Section 21-2-280.1. The names of candidates seeking the same office shall be

printed horizontally opposite one another in their respective columns, and such columns shall be of sufficient length to permit such an arrangement. To the right of the independent column or columns shall be printed a blank column sufficient for the insertion of write-in votes."

#### SECTION 4.

Said chapter is further amended by revising Code Section 21-2-285.1, relating to the form of the nonpartisan ballot, as follows:

"21-2-285.1.

The names of all candidates for offices which the General Assembly has by local Act provided for election in a nonpartisan election shall be printed on each official election ballot; and insofar as practicable such offices to be filled in the nonpartisan election shall be separated from the names of candidates for other offices by being listed last on each ballot, with the top of that portion of each official election ballot relating to the nonpartisan election to have printed in prominent type the words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' Directions that explain how to cast a vote, how to write in a candidate, and how to obtain a new ballot after the elector spoils his or her ballot shall appear immediately under the caption, as specified by rule or regulation of the State Election Board. Immediately under the directions, the name of each such nonpartisan candidate shall be arranged ~~alphabetically by last name~~ in the order specified in Code Section 21-2-280.1 under the title of the office for which they are candidates and be printed thereunder. The incumbency of a candidate seeking election for the public office he or she then holds shall be indicated on the ballot. No party designation or affiliation shall appear beside the name of any candidate for nonpartisan office. An appropriate space shall also be placed on the ballot for the casting of write-in votes for such offices. In the event that no candidate in such nonpartisan election receives a majority of the total votes cast for such office, there shall be a nonpartisan election runoff between the candidates receiving the two highest numbers of votes; and the names of such candidates shall be placed on the official ballot at the general election runoff in the same manner as prescribed in this Code section for the nonpartisan election. In the event that only nonpartisan candidates are to be placed on a run-off ballot, the form of the ballot shall be as prescribed by the Secretary of State or election superintendent in essentially the same format as prescribed for the nonpartisan election. The candidate having a majority of the votes cast in the nonpartisan election or the candidate receiving the highest number of votes cast in the nonpartisan election runoff shall be declared duly elected to such office."

95 **SECTION 5.**

96 This Act shall become effective upon its approval by the Governor or upon its becoming law  
97 without such approval.

98 **SECTION 6.**

99 All laws and parts of laws in conflict with this Act are repealed.